



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/898,313 Confirmation No. 4755
Applicants : Robert Czarnek et al.
Filed : July 3, 2001
Title : Automatic Tablet-Cutting Device and Cutting Method
Group Art Unit : 3724
Examiner : Phong H. Nguyen
Customer No. : 28289

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

Sir:

In response to the Restriction Requirement dated April 5, 2006, Applicants submit the following election with traverse, Petition for Extension of Time and requisite fee.

The Examiner asserts that the present invention contains two patentably distinct inventions:

- I. Claims 1-24 and 32-51, drawn to a tablet-cutting apparatus; and
- II. Claims 25-31 and 37-43, drawn to a method of cutting a tablet into two portions.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 9, 2006.

Ruth A. Walkup
(Typed Name of Person Mailing Paper)

Ruth A. Walkup
Signature

05/09/2006
Date

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Applicants submitted an Amendment contemporaneously filed with the Petition to Revoke dated April 20, 2005, in which the limitations of claim 26 were incorporated into claim 25. Applicants question whether or not the Examiner has considered this amendment, as the Examiner has not acknowledged the cancellation of claim 26 in the Restriction Requirement. Specifically, the Examiner maintains that claims 1-51 are still pending this application, when in fact only claims 1-25 and 27-51 should be pending.

With respect to the Restriction Requirement, Applicants wish to make the Examiner aware that in the previous Office Action dated October 20, 2003, claims 1-24 and 32-51, and claims 25-31 (if claim 25 were rewritten to include the limitations of claim 26) were *allowed*. These allowed claims include both method and apparatus claims. Thus, at the time of issuance of the previous Office Action, the Examiner believed that the above method and apparatus claims were a single inventive concept. Applicants believe that the Examiner's inconsistent position will cause undue burden on the Applicants with respect to a prolonged prosecution on the merits and unanticipated increased costs associated with filing divisional applications.

The Examiner has also pointed out that if Applicants elect Group I, Applicants are also required to elect from one of the distinct species A, B, C or D (as outlined by the Examiner). Applicants acknowledge that each species discloses an alternative embodiment alignment member. However, Applicants assert that the invention must be considered as a whole in the context of its constituent parts (e.g., alignment member *and* tablet-cutter component *and* table guide) and, therefore, the various alignment members do not in and of themselves cause the overall various embodiments to be differentiated to the extent that a serious burden would exist on the Examiner to examine all of the claims in a single application.

Accordingly, Applicants respectfully request that the Examiner consider claims 1-25 and 27-51 as a single inventive concept and withdraw the Restriction Requirement. However, in the event the Examiner maintains the Restriction Requirement, Applicants hereby elect to prosecute the invention of Group I, claims 1-24 and 32-51, and further elect Species A, directed to the tablet-cutting device of FIGS. 1-14. Applicants make this election without prejudice to the later filing of a divisional application directed to the non-elected claims.

REVOCATION OF POWER OF ATTORNEY

In Applicants' Petition to Revive Application, Applicants had submitted a Combined Declaration and Power of Attorney document indicating that the practitioners associated with Customer Number 28289 should be made of record with respect to prosecution of the instant application. However, the Restriction Requirement was mailed to Applicants' previous attorney. Accordingly, Applicants hereby submit newly executed Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address documents. Applicants respectfully request that the new practitioners and correspondence address be made of record such that all future correspondence will be directed to Applicants' practitioners, namely, The Webb Law Firm.

Respectfully submitted,

THE WEBB LAW FIRM

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